

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS RIDLEY,

Plaintiff,

v.

CASE NO: 20-CV-11439

UNITED STATES OF AMERICA,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION**

This matter was referred to United States Magistrate Kimberly G. Altman pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In her report filed on January 12, 2022, the magistrate judge recommended that the Government's motion to dismiss by granted in part and denied in part.

No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

The court ADOPTS the Report and Recommendation for purposes of this Order.

Accordingly, **IT IS ORDERED** that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Government's Motion to Dismiss [#21] is **DENIED** as to the Claim in Count I of a refund or reallocation of funds garnished after May 7, 2014 and **GRANTED**, under Fed. R. Civ. P. 12(b)(1), as to any funds collected before May 7, 2014

IT IS FURTHER ORDERED that the motion be **GRANTED** as to Counts II, III, IV and V under Fed. R. Civ. P. 12(b)(1) or 12(b)(6).

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 4, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 4, 2022, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522

¹The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).